

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

IN THE MATTER OF THE RESTRAINT OF:

APPROXIMATELY 1,000 ROOSTERS, HENS,
YOUNG CHICKENS, AND UNHATCHED
CHICKENS LOCATED AT AND AROUND
4227 COUNTY ROAD 528, VERBENA,
ALABAMA, 36091

Case No.:

2:21cm.3635-MHT

UNDER SEAL

**EX PARTE APPLICATION FOR FOURTEEN-DAY TEMPORARY RESTRAINING
ORDER**

COMES NOW the United States of America, by and through Sandra J. Stewart, Acting United States Attorney for the Middle District of Alabama, and Gregory O. Griffin, Jr., Assistant United States Attorney, pursuant to Title 21, United States Code, Section 853(e)(2) (criminal forfeiture temporary restraining orders) and Title 18 United States Code, Section 983(j)(3) (civil forfeiture temporary restraining orders), and submits this Application for a Temporary Restraining Order for approximately 1,000 roosters and hens located at and around 4227 County Road 528, Verbena, Alabama, 36091 and identified by Chilton County Tax Assessor parcel ID numbers 142101020000008.000 ("Parcel 8"), 142101020000009.000 ("Parcel 9"), and 142101020000009.001 ("Parcel 9.001") hereinafter referred to as "Subject Location". In support of this Application, the Government submits the following:

1. Title 21, United States Code, Section 853(e)(2) provides that, in a criminal forfeiture case, a temporary restraining order . . . may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice [to persons

SCANNED

appearing to have an interest in the property] will jeopardize the availability of the property for forfeiture. 21 U.S.C. § 853(e)(2). A temporary restraining order under Section 853(e)(2) expires not more than fourteen days after it is entered, unless extended for good cause. *Id.* Title 18, United States Code, Section 983(j)(3) contains virtually identical provisions in the case of a civil forfeiture.

2. The birds are subject to forfeiture and restraint because they constitute property involved in violation of Title 7 United States Code, Section 2156, which prohibits, among other things, sponsoring or exhibiting an animal in an animal fighting venture; buying, selling, delivering, possessing, training, or transporting animals for participation in an animal fighting venture; and the use of the postal service or other interstate instrumentality for promoting or furthering an animal fighting venture; and conspiracy to commit the same, in violation of Title 18 United States Code, Section 371. Therefore, the assets are subject to forfeiture under Title 7 United States Code, Section 2156(f).

3. Further, notice to persons appearing to have an interest in the assets would jeopardize the availability of the assets for forfeiture.

The Federal Animal Welfare Act

4. The federal Animal Welfare Act defines “animal fighting venture” as “any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment.” Title 7 United States Code, Section 2156(g)(1). It is illegal to sponsor or exhibit an animal in an animal fighting venture. Title 7 United States Code, Section 2156(a)(1). It is also illegal to possess, train, sell, buy, transport, deliver or receive an animal for purposes of having the animal participate in an animal fighting venture. Title 7 United States Code, Section 2156(b).

5. The Animal Welfare Act also makes it a crime to knowingly use the mail or any instrumentality of interstate commerce for commercial speech for advertising a fighting animal or promoting or furthering an animal fighting venture. Title 7 United States Code, Section 2156(c).

6. The Secretary of Agriculture is authorized to enforce the Animal Welfare Act, which provides that “[t]he Secretary or any other person authorized by him shall make such investigations as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this section.” Title 7 United States Code, Section 2156(f).

Investigation of the Cockfighting Venture at the Subject Location

7. Agents with the United States Department of Agriculture Office of Inspector General (“USDA-OIG”), have been investigating Verbena, Alabama residents WILLIAM COLON EASTERLING (W.C. EASTERLING), BRENT EASTERLING (B. EASTERLING), and TYLER EASTERLING (T. EASTERLING) for violations of the cockfighting prohibitions of the Animal Welfare Act and the prohibition against illegal gambling businesses.

8. In July 2019, USDA-OIG was made aware of a cockfighting operation in Verbena, Alabama. Images of B. EASTERLING and T. EASTERLING’s Facebook accounts were provided to USDA-OIG, and agents were informed that these were the individuals who owned and/or operated the cockfighting pit in Verbena, Alabama.

9. On May 18, 2020, Honorable Wallace Capel, Jr., Chief U.S. Magistrate Judge, signed a search warrant for B. EASTERLING’s Facebook account for this investigation. On May 24, 2021, Honorable Jerusha T. Adams, Magistrate Judge, signed a search warrant for T. EASTERLING’s Facebook account for this investigation. On June 1, 2021, Honorable Susan Russ Walker signed a search warrant for electronic information associated with the cell phone used by W.C. EASTERLING for this investigation.

10. A query through the Alabama Criminal Justice Information Center's Law Enforcement Tactical System using identifying information for W.C. EASTERLING, B. EASTERLING, and T. EASTERLING confirmed that each of these individuals reside in Verbena, Alabama on County Road 528, on parcels that are adjacent to, near, or across the street from a cockfighting pit. These individuals appear to be associated with the cockfighting pit near the Subject Location.

11. Based on observations by USDA-OIG agents, and information obtained from other witnesses and Facebook, it is believed that B. EASTERLING and his wife, KASSI EASTERLING (K. EASTERLING), operate a large-scale breeding operation for cockfighting birds named "L&L Game Farm" at the Subject Location. A review of the County Tax Assessor records showed the three parcels making up the Subject Location are owned by B. EASTERLING (Parcel 8) and BR EASTERLING (Parcels 9 and 9.001). BR EASTERLING is the mother of B. EASTERLING, the wife of W.C. EASTERLING, and the grandmother of T. EASTERLING. B. EASTERLING and K. EASTERLING's residence is also located at the Subject Location.

12. Based on observations by USDA-OIG agents, and information obtained from other witnesses and Facebook, it is believed that B. EASTERLING's father, W.C. EASTERLING, and members of his family operate periodic large-scale cockfighting derbies at the cockfighting pit located just north of the Subject Location.

13. Facebook data related to B. EASTERLING, reveals multiple messages in which he promotes his business selling cockfighting birds and cockfighting implements such as knives and boots. In addition, the data from B. EASTERLING's Facebook account contains a Facebook audio message in which B. EASTERLING informs another individual that his wife, K. EASTERLING, is selling "Don Miguel" and "boogerine" cockfighting boots as well as "zuri" knives used for

cockfighting. He also spoke about having to go to Guadalajara and meet with the “guy” who makes the knives and getting them shipped back into the United States.

14. B. EASTERLING appears to participate in cockfights and win money. For example, while reviewing Facebook data related to B. EASTERLING, an audio message was found in which roosters crow in the background as B. EASTERLING informs another individual that “any money that’s won with my roosters, whether it’s a 5,000-Peso derby or a 200,000 Peso derby, I get 50 percent.” According to the following Facebook thread from May of 2020, B. EASTERLING brings half of his cockfighting winnings from Mexico into the United States.

Author Nick Dulen (Facebook: 100009912499306)

Sent 2020-05-08 13:56:37 UTC

Body they paying you in pesos

Author Nick Dulen (Facebook: 100009912499306)

Sent 2020-05-08 13:57:04 UTC

Body Damm bricks of pesos

Author Brent Easterling (Facebook: 100013422309078)

Sent 2020-05-08 13:57:13 UTC

Body I keep 1/2 in the USA and 1/2 here

Author Nick Dulen (Facebook: 100009912499306)

Sent 2020-05-08 13:57:49 UTC

15. In the post below from August of 2019, B. EASTERLING told another user that, although he goes to Mexico to participate in cockfights, there is more money at his dad's pit in Verbena, between \$125,000 and \$200,000 "right here at my house."

Author Brent Easterling (Facebook: 100013422309078)
Sent 2019-08-11 21:37:18 UTC
Body Good deal, there just aren't enough entries and money for me to travel that far to fight!! There are \$125,000 and \$200,000 pots, right here at my house, the only reason I go to Mexico, is to participate, not for money, there is much more money at my dads pit...

Author Ernesto Romo Cesar (Facebook: 100000443761647)
Sent 2019-08-11 21:38:40 UTC
Body I have farm in mazatlan

16. B. EASTERLING is also involved in operating and promoting cockfights at his father's cockfighting pit. For example, on April 4, 2020, B. EASTERLING sent the following message out to multiple recipients on Facebook:

Author Brent Easterling (Facebook: 100013422309078)
Sent 2020-04-27 14:48:55 UTC
Body The Hawaiian Derby has been moved to Friday May 29th and Saturday May 30th!!! It will be long knife and short knife only!! The short knife will be inch and 3 lines, single edge, socket or fork!! No extra long sockets and no humped up string!!

The money will be as follows...

Friday is a 4 cock \$1,000, one money!! There will be extra money in the kitchen, for those who want to fight for more, but the upstairs money will be \$1,000, one money!!

Facebook Business Record

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Saturday will be the big one!!! 7 cock \$3,000!! The money will be \$2,000 on the 7 and \$1,000 on the first 4, the first 4 is optional!!

There will be no combining the money this season!! There will be a Friday derby and a separate derby on Saturday!! Each day will be individual day money!! And you can also just fight 4 for \$1,000 on Saturday, if you prefer!! There will also be money in the kitchen on Saturday, for those who want to fight for more, on the 7 cock!!

Call me at 205-479-2383 to reserve your house!! There are about 20 houses gone already, so if you want one of the good ones, you'd better reserve!! Or message me on messenger!! Thanks and let's make this the biggest of the year!!

17. On multiple occasions in 2019, B. EASTERLING forwarded a cockfighting schedule and requested other Facebook users to assist him in circulating the schedule and recruiting participants. For example, on November 3, 2019, B. EASTERLING forwarded this schedule which references 17 days of cockfights, including the 2020 Hawaiian derby:

Facebook Business Record

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2020 Schedule

Tribute & Memorial	Date	Show	Weapon	Overall \$	1-2-3 Option \$	Overall Opt. \$
Free	12-29	4	All 3	1,000 Added Free	100	100
Big Jim	1-11	6	All 3	500	250	250
	1-25	4	All 3	100	50	50
Blondie Rolland	2-8	6	All 3	500	250	250
	2-22	4	All 3	100	50	50
Triple Crown	3-7	6	All 3	500	250	250
	3-21	4	All 3	100	50	50
	4-4	5	All 3	200	100	100
Preliminary The New Hawaiian	4-17 Friday	4	LK / SK	1,000		
The New Hawaiian	4-18	7	LK / SK	2,000	1,000	
	5-2	4	All 3	100	50	50
	5-16	5	All 3	200	100	100
Dee Cox	5-29	4	LK / SK	500		
Dee Cox	5-30	6	LK / SK	1,000	500	
	6-13	4	All 3	100	50	50
Lonnie Harper "Mule Train"	6-27	6	All 3	500	250	250
	7-11	4	LK / SK	300		

18. A more recent review of B. EASTERLING's public Facebook posts, indicates that fighting birds continue to be bred at L&L Game Farm. For example, his April 8, 2021 post mentions 1,200 babies:



Conclusion

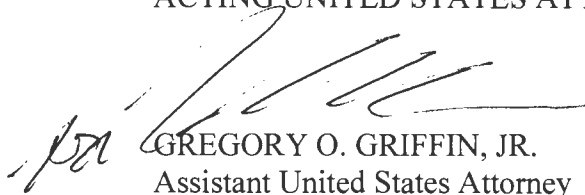
19. This application seeks permission to restrain the breeding population of fighting birds, including roosters, hens, young chickens, and unhatched chickens found at the Subject Location during the execution of a search warrant on June 11, 2021 ("B. EASTERLING's Flock").

The particular circumstances of the Subject Location indicate a need to restrain B. EASTERLING's Flock onsite. Because there is a large number of birds in B. EASTERLING's Flock (upwards of 1,000 animals), seizing the birds and removing them to another location is not feasible. Since fighting birds are typically bred for aggressive traits, they should be housed individually rather than in a communal setting. This means the government would need to find or build a quarantined animal storage facility to house and care for the seized birds which could take months. Furthermore, the Humane Society has stated that it would be "unacceptably cruel to house roosters in isolation for long periods of time [...]." (See Attachment A, letter from Janette Reeve, Program Manager Global Anti-Dogfighting, Animal Protection, and Crisis Response for Humane Society International). As a result, The United States requests the birds be "restrained in place" at the time of execution of the temporary restraining order, in that that physical custody of the birds will remain with the owner until the United States releases the birds from custody, the District Court issues an order regarding the disposal of the birds, or the owner surrenders the birds to the United States. The owner shall maintain physical custody of the birds pursuant to the terms and conditions listed in the attached proposed Temporary Restraining Order. The government plans to account for and document the birds as evidence of illegal activities by banding, photographing, and/or recording observations of the birds.

WHEREFORE, the Government respectfully requests that this Court enter a Temporary Restraining Order in the form submitted herewith and seal the Temporary Restraining Order and this Application except to the extent that service of the Temporary Restraining Order is necessary to effectuate its purposes.

Respectfully submitted, this, the 11th day of June, 2021.

SANDRA J. STEWART
ACTING UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'G. Griffin, Jr.', is written over the typed name of Gregory O. Griffin, Jr.

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